

Senate File 169 - Introduced

SENATE FILE 169

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A BILL FOR

1 An Act relating to the fiscal impact on cities of
2 administrative rules adopted by the environmental protection
3 commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.104, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. *a.* By January 1, 2014, the department
4 shall submit a regulatory fiscal impact on cities report to the
5 governor and the general assembly. The report shall analyze
6 the fiscal impact of rules adopted by the commission on cities
7 over a ten-year period. At a minimum, the report shall analyze
8 in a summary format the rules adopted by the commission in each
9 chapter of the Iowa administrative code. For each chapter, at
10 a minimum, the department shall provide a description of the
11 probable quantitative and qualitative impact of the chapter,
12 economic or otherwise, upon affected cities, including a
13 description of the nature and amount of all of the different
14 kinds of costs that would be incurred in complying with the
15 chapter over a ten-year period.

16 *b.* As part of a notice of intended action or rule filed
17 without notice submitted pursuant to section 17A.4 by the
18 commission, the department shall submit to the commission
19 for inclusion in the notice a statement regarding the fiscal
20 impact of the proposed rule on cities. The statement shall
21 analyze the fiscal impact of the proposed rule on cities over a
22 ten-year period. The department shall provide a description
23 of the probable quantitative and qualitative impact of the
24 proposed rule, economic or otherwise, upon affected cities,
25 including a description of the nature and amount of all of the
26 different kinds of costs that would be incurred in complying
27 with the proposed rule over a ten-year period.

28 Sec. 2. Section 455B.105, subsection 3, Code 2013, is
29 amended to read as follows:

30 3. Adopt, modify, or repeal rules necessary to implement
31 this chapter, chapter 459, chapter 459A, and chapter 459B, and
32 the rules deemed necessary for the effective administration
33 of the department. When the commission proposes or adopts
34 rules to implement a specific federal environmental program
35 and the rules impose requirements more restrictive than the

1 federal program being implemented requires, the commission
2 shall identify in its notice of intended action or adopted rule
3 preamble each rule that is more restrictive than the federal
4 program requires and shall state the reasons for proposing
5 or adopting the more restrictive requirement. In addition,
6 the commission shall include with its reasoning a financial
7 impact statement detailing the general impact upon the affected
8 parties. The commission shall include in a notice of intended
9 action or rule filed without notice the fiscal impact statement
10 submitted by the department pursuant to section 455B.104,
11 subsection 5. It is the intent of the general assembly that
12 the commission exercise strict oversight of the operations of
13 the department. The rules shall include departmental policy
14 relating to the disclosure of information on a violation
15 or alleged violation of the rules, standards, permits, or
16 orders issued by the department and keeping of confidential
17 information obtained by the department in the administration
18 and enforcement of this chapter, chapter 459, chapter 459A,
19 and chapter 459B. Rules adopted by the executive committee
20 before January 1, 1981, shall remain effective until modified
21 or rescinded by action of the commission.

22 EXPLANATION

23 This bill relates to the fiscal impact on cities of
24 administrative rules adopted by the environmental protection
25 commission.

26 The bill requires the department of natural resources to
27 submit a regulatory fiscal impact on cities report to the
28 governor and the general assembly by January 1, 2014. The
29 report may be submitted in a summary format and shall provide
30 a description of the probable quantitative and qualitative
31 impact of each chapter of administrative rules adopted by the
32 environmental protection commission, economic or otherwise,
33 upon affected cities, including a description of the nature and
34 amount of all of the different kinds of costs that would be
35 incurred in complying with each chapter over a 10-year period.

1 The bill requires the department to provide the commission
2 with a fiscal impact statement for inclusion in a notice of
3 intended action. The statement shall analyze the fiscal impact
4 of the proposed rule on cities over a 10-year period.